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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,521	04/14/2005	Rainer Dreier	P/3240-98	5176
2352	7590	10/18/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			FRISTOE JR, JOHN K	
			ART UNIT	PAPER NUMBER
			3753	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/527,521	Applicant(s) DREIER ET AL.	
	Examiner John K. Fristoe Jr.	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 19-29 is/are rejected.
- 7) ☒ Claim(s) 14-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/10/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 3/10/2005 is acknowledged by the examiner.

Claim Objections

2. Claims 2-6, 19, 23, and 24 objected to because of the following informalities: in claim 1, a “rotation device” is recited and then in claims 2-6, 19, 23, and 24, “a device for rotating” or a “device which rotates” is recited. It is important to be consistent when using names to identify certain structures because it may render to claims unclear if multiple name are used. Applicants are advised to amend the claims so that a single name is used to describe a single structure throughout the entire list of claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 and 19-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner what is being claimed by “the rotation device extending along the rotation axis a flexible linkage to the rotation device mounting the closure body . . .” recited in claim 1, lines 11-14.

5. Claims 2-7 and 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It appears that the “flexible linkage” recited in claim 1, line

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13 is the same structure as the "flexible seal" recited in claim 2, line 3, however it is unclear and if it is the same structure it renders claim 2 indefinite.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 8, 19, 20, and 25 as far as they are definite, as well as claims 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 3,767,162 (Olsson).

Olsson discloses a blocking apparatus and a method of opening a blocking apparatus comprising a line (7), an open area (6), at least one sealing element (11), a movable closure body (8), a rotation device (13), a flexible linkage (14), wherein the closure body (8) slides on the sealing element (11) whereby the position and location of the closure body may be altered (col. 4, lines 54-58), a spacer (10), a flexible seal (19), a recess (25), wherein the seal (19) prevents particles (coming from the stem bore) from entering the recess (25), wherein the seal (19) at least partially seals off a front part (upper portion of element (8), wherein the closure member (8) is at least partially spherical (figure 1), a shaft (13), wherein the sealing element (11) is a seat ring, and a through passage (9).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9-11 and 26, as far as they are definite, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,767,162 (Olsson) in view of U.S. Pat. No. 4,363,681 (Williams). Olsson discloses a blocking apparatus and a method of opening a blocking apparatus comprising a line (7), an open area (6), at least one sealing element (11), a movable closure body (8), a rotation device (13), a flexible linkage (14), wherein the closure body (8) slides on the sealing element (11) whereby the position and location of the closure body may be altered (col. 4, lines 54-58), a spacer (10), a flexible seal (19), a recess (25), wherein the seal (19) prevents particles (coming from the stem bore) from entering the recess (25), wherein the seal (19) at least partially seals off a front part (upper portion of element (8), wherein the closure member (8) is at least partially spherical (figure 1), a shaft (13), wherein the sealing element (11) is a seat ring, an inlet (left hand element 7 in figure 2), an outlet (right hand element 7 in figure 2), an inner liner (5), a fixing element (12) and a through passage (9) but lacks an outer casing and insulation within the outer casing. Williams teaches a method for insulating a pipe member comprising a metallic inner liner (6 and 7), metallic outer casing (18), and thermal insulation (17) that is a refractory material (col. 3, lines 37-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the blocking apparatus of Olsson by adding an outer casing and insulation material as taught by Williams in order to protect the user from any temperature extremes that may be radiating from the blocking apparatus.

10. Claim 22, as far as it is definite, rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,767,162 (Olsson) in view of U.S. Pat. No. 5,037,065 (Hitz et al.). Olsson discloses a blocking apparatus and a method of opening a blocking apparatus comprising a line

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(7), an open area (6), at least one sealing element (11), a movable closure body (8), a rotation device (13), a flexible linkage (14), wherein the closure body (8) slides on the sealing element (11) whereby the position and location of the closure body may be altered (col. 4, lines 54-58), a spacer (10), a flexible seal (19), a recess (25), wherein the seal (19) prevents particles (coming from the stem bore) from entering the recess (25), wherein the seal (19) at least partially seals off a front part (upper portion of element (8), wherein the closure member (8) is at least partially spherical (figure 1), a shaft (13), wherein the sealing element (11) is a seat ring, an inlet (left hand element 7 in figure 2), an outlet (right hand element 7 in figure 2), an inner liner (5), and a through passage (9) but lacks the flexible seal being a bellows. Hitz et al. teaches a blocking apparatus comprising a closure member (12) and a flexible seal (154) that is a bellows. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the blocking apparatus having a flexible seal of Olsson by replacing the flexible seal with a bellows seal as taught by Hitz et al. in order to further seal the recess between the rotation device and the closure member.

11. Claim 29 as far as it is definite, is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,767,162 (Olsson) in view of U.S. Pat. No. 4,363,681 (Williams) as applied to claim 11 above, and further in view of U.S. Pat. No. 4,428,561 (Thompson). Olsson modified above, discloses a blocking apparatus and a method of opening a blocking apparatus comprising a line (7), an open area (6), at least one sealing element (11), a movable closure body (8), a rotation device (13), a flexible linkage (14), wherein the closure body (8) slides on the sealing element (11) whereby the position and location of the closure body may be altered (col. 4, lines 54-58), a spacer (10), a flexible seal (19), a recess (25), wherein the seal (19) prevents particles

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(coming from the stem bore) from entering the recess (25), wherein the seal (19) at least partially seals off a front part (upper portion of element (8), wherein the closure member (8) is at least partially spherical (figure 1), a shaft (13), wherein the sealing element (11) is a seat ring, an inlet (left hand element 7 in figure 2), an outlet (right hand element 7 in figure 2), an inner liner (5), a fixing element (12) and a through passage (9) but lacks the fixing element being a disk spring. Thompson teaches a blocking apparatus comprising a closure member (, and a fixing element (53) that is a disk spring (32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the blocking apparatus of Olsson by making the fixing element a disk spring as taught by Thompson since the two elements are equivalent structures and result in an obvious variation of each other.

Allowable Subject Matter

12. Claims 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 5-7, 21, 23, 24, 27, and 28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 3,014,690 (Boteler) discloses a blocking apparatus having an adjustable spacer.

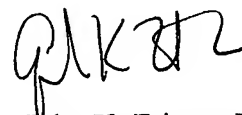
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U.S. Pat. No. 3,173,648 (McGuire et al.) disclose a blocking apparatus having an adjustable spacer.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (571) 272-4926. The examiner can normally be reached on Monday-Friday, 7: 00 a.m-4: 30 p.m.

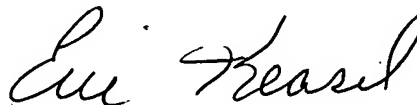
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric S. Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John K. Fristoe Jr.
Examiner
Art Unit 3753

JKF



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